



To: The Honorable Della Au Belatti, Chair, Committee on Health  
The Honorable Dee Morikawa, Vice Chair, Committee on Health  
Members, House Committee on Health  
From: Jessica Yamauchi, Executive Director  
Date: March 11, 2013  
Hrg: House Committee on Health; Wed., March 13, 2013 at 8:30 a.m. in Rm 329  
Re: **Support for SB 652, SD2, Relating to Health**

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Thank you for the opportunity to offer testimony in support of SB 652, SD2 prohibiting sales of electronic cigarettes to minors. This bill also calls for a task force to develop potential legislation that addresses concerns related to advertising and product placement promoting or encouraging the purchase or use of cigarettes or other tobacco products by children and youth.

The Coalition for a Tobacco-Free Hawaii (Coalition) is an independent organization in Hawaii working to reduce tobacco use through education, policy and advocacy. Our organization is a nonprofit organization of over 100 member organizations and 2,000 advocates that works to create a healthy Hawaii through comprehensive tobacco prevention and control efforts.

The Coalition recommends replacing the term electronic cigarettes with electronic smoking devices in this bill. Electronic smoking devices are used to vaporize liquid in cartridges that contain varying levels of nicotine. Often times the cartridges are candy flavored (over 30 flavors available) which entice youth. Currently these devices are readily available at mall kiosks and small shops throughout our state and are priced as low as \$10 for the disposable varieties.

Currently, there is no federal regulation of the contents or production of electronic smoking devices (commonly known as e-cigarettes). According to the Food and Drug Administration (FDA) website:

As the safety and efficacy of e-cigarettes have not been fully studied, consumers of e-cigarette products currently have no way of knowing:

- whether e-cigarettes are safe for their intended use,
- how much nicotine or other potentially harmful chemicals are being inhaled during use, or
- if there are any benefits associated with using these products.

Additionally, it is not known if e-cigarettes may lead young people to try other tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death<sup>1</sup>.

Given how little is known about the contents and health effects of electronic smoking devices, we are very concerned about the current accessibility of these products to our youth. It is

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<sup>1</sup> <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm>



currently legal to sell these products to children, as well as to allow sampling of the product in malls and kiosks.

Our recommendation at the present time, based on existing public health research, is that sales to minors and product sampling be prohibited, and to refer to these products as electronic smoking devices in this bill.

The Coalition also supports the section of this bill that calls for a task force to develop potential legislation that addresses concerns related to advertising and product placement promoting or encouraging the purchase or use of cigarettes or other tobacco products by children and youth. The Coalition has been working to pass legislation around this issue for the last few years and appreciates the opportunity to be a part of this task force.

Thank you for the opportunity to testify in support of this measure.

A handwritten signature in black ink, reading 'Jessica Yamauchi'. The signature is fluid and cursive, with a large initial 'J'.

Jessica Yamauchi, M.A.  
Executive Director



March 13, 2013

To: The Honorable Della Au Belatti, Chair  
Members, House Committee on Health

From: Cory Smith, Volcano Fine Electronic Cigarettes  
President and Owner

**RE: SB652, SD2 – support intent.**

**Proposed amendments.**

Thank you for the opportunity to submit testimony.

Volcano Fine Electronic Cigarettes supports SB672, SD2 as currently written but we have proposed amendments that strengthen and clarify the bill's definitions.

We support prohibiting sales of tobacco, tobacco products, and vapor products to minors, and already have a company policy reflecting that position. We believe that the bill's language and definitions should be strengthened to reflect industry definitions and should be more specific for clarity and to avoid overlap with potential federal regulations expected to be released later this year.

- We request that the term "electronic cigarettes" be replaced with "vapor product" which would be defined in section 2 as:

"Vapor product" means any noncombustible tobacco derived product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges, and includes an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. Vapor product shall not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act.



**Rationale:** Although broader in nature, the new definition is narrower in scope because it extends the prohibition beyond electronic cigarettes to include all non-combustible tobacco derived products. The new definition is also crucial because it provides language that prevents potential overlap with federal regulation.

- Despite the use of the term "tobacco in any shape or form," the current language only prohibits e-cigarettes from being sold to minors, thus we request that the bill's current definition of "tobacco" be replaced with:

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, including cigarettes, cigars, snuff, chewing or smokeless tobacco, and smoking or pipe tobacco. Tobacco products shall not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act.

**Rationale:** As stated above, we believe that the sales prohibition should include all non-combustible tobacco derived products. It is important to stress that these products do NOT contain tobacco and because no combustion occurs, there is no smoke, therefore it is misleading to classify electronic cigarettes as a tobacco product. Our proposed definition is more accurate and appropriate than what is currently in the bill.

Our proposed language redefines vapor products and tobacco products to be inclusive of the wide range of nicotine-containing products by using the term "product made or derived from tobacco" as well as defining an e-cigarette as a "vapor product" which would also include electronic pipes or cigars. SB652, SD2 uses the term "tobacco in any shape or form" which might not capture a product that contains nicotine but no tobacco.

Our language exempts any product regulated by the FDA under Chapter V of the Federal Food, Drug and Cosmetic Act. Chapter V of that act is where the pharmaceutical nicotine products -- which are used to quit smoking -- are regulated. SB652, SD2 could be misconstrued to cover those products like nicotine gum or other nicotine replacements.



Thank you for your time and consideration of our proposed amendments. If you have any questions, please feel free to contact me or Volcano's representative Melissa Takaaze at [m.takaaze@gmail.com](mailto:m.takaaze@gmail.com).

Sincerely,

Cory Smith  
President and Owner  
Volcano Fine Electronic Cigarettes

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March 12, 2013

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Senator Josh Green and the Senate Health Committee Members:

Testimony in support of SB 652 SD2 which would prohibit the sales of all tobacco products including electronic cigarettes to minors under the age of 18.

Thank you for taking the time to consider my testimony on SB 652 SD2.

From 2005-2012, I worked as a youth tobacco cessation treatment specialist in the east-side school complex on the island of Kaua`i. Through my work, I discussed with many youth about their smoking habits as well as other tobacco products they have the curiosity to try or have tried. In the recent years a shop, whose primary product was electronic smoking devices, opened on Kauai. Majority of my clients questioned if e-cigarettes could help them quit because that's what they heard. Many of my youth clients, who have tried e-cigarettes, stated specifically that they were curious about the flavors. One high school aged student shared with me their experience of entering the electronic smoking device shop with a 6 year old sibling and the employee allowed both of them to sample a few flavors. I was appalled and questioned if the employee mentioned that the samples were "nicotine-free". The student was lead to believe it was the same as the products they were selling, which meant she assumed it contained nicotine in addition to the flavor. Regardless of whether or not this particular sample contained nicotine, this situation should have never occurred. the social normalcy for this particular 6 year old will them to trust samples and that electronic smoking devices are not harmful, without researching the facts.

Regardless of the benefits or damage of nicotine as an independent drug, nicotine is still a drug. Drugs are a chemical substance that affects the central nervous system, which includes the brain. We do not know the extensive damage this chemical can do to a developing brain versus developed adult brain. However, if nicotine is not available to any minor in any other form, then it also should not be available in this particular commercial way, which can encourage nicotine-use as a social norm.

Many times law makers feel hesitation when creating laws that restrict people's behaviors and tamper with their freedom. However creating laws are about protecting the people and in this case we want to protect our youth. As a State, we cannot allow or afford our youth to make a mistake with a legal but hazardous drug. It is better to restrict this product from youth now then to deal with unforeseen dangers in the future. I cannot encourage you enough to do the

moral thing and protect our keiki and teenagers by passing this bill and prohibit the sales of any electronic smoking device to minors.

Again, I strongly urge the committee to pass SB 652 HD2, which would prohibit the sales of all tobacco products including electronic cigarettes to minors under the age of 18.

Thank you for your time and consideration,

Valerie Saiki